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Title: Discussion on the motion for consideration of the Indian (Boilers) Amendment, Bill, 2007 as passed by Rajya Sabha.

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION, MINISTRY OF COMMERCE AND INDUSTRY (SHRI ASHWANI KUMAR): Sir, I beg to move:

> "That the Bill further to amend the Indian Boilers Act, 1923, as passed by Rajya Sabha, be taken into consideration."

Sir, may I at the very threshold express a sense of deep satisfaction that after 13 long years, we have finally been able to get the Rajya Sabha to approve this Bill? This is a critical piece of legislation that has been a gap in the process of economic reforms in an era when India is making rapid economic progress, is registering record levels of industrial and manufacturing growth and has become the technological leader of the world in various sectors of the economy.

The Indian Boilers Act of 1923, which this Bill seeks to amend served its purpose well in the initial years of its operation, but with revolutionary technological changes, with the expansion of the economy, with new technologies becoming available for boiler manufacturers and for boiler component-manufactures as also for users, it was considered necessary to introduce certain necessary amendments to the Bill to make it more effective, to lend it efficacy, practicality and a user-friendly ambience.

Therefore, after very widespread discussions and interactions with all stake-holders, after minutest scrutiny of the proposed amendments in the Standing Committee of Parliament and also after consulting the various aspects of the proposed amendments with all the State Governments, we have proposed the amended Bill. [MSOffice28]

[MSOffice29] I would very briefly point out certain salient features and then, I hope to profit immensely by the debate that would ensue. The 4-5 principal amendments that the Bill brings forward are with reference firstly to the change in the definition of the boiler.

The definition of the boiler in Section 2B of the main Act is sought to be amended to bring it in line with the ISO Boiler Code so that what is termed as 'baby boilers', boilers of a particular capacity below originally 22.75 litres, and now below 25 litres will also now be brought within the purview of inspection, in order to obviate the possibility of explosions and in order to obviate the possibility of danger to life, limb and property of the owners of the boilers.

Therefore, we have now proposed that the capacity will be measured from the feet-check valve to the main steam short valve so that the possibility of mischief on the part of the owners of the boilers by removing certain components of the boilers to bring it outside the purview of inspection is totally eliminated.

The second major change that we seek to introduce is in the definition of accidents as given in the original Bill. What we have now done is to propose that those errors that lead to accidents that are capable of causing death and destruction of property and injury to limb will be treated as accidents as against minor faults like corrosion or what they call in technical terminology as 'pinholes', which are the normal wear and tear of the use of the machinery.

So, we have rationalized it; we have made it more practical; we have made it more benign so that every act of normal wear and tear will not be included in the definition of accidents. The heart of the amendment and the heart of the change that we are seeking to introduce is by way of introducing third party inspections.

Sir, you would know from experience that the State Directorates of Inspections were singularly not up to the mark in carrying out all the necessary inspections that increasing use of boilers made necessary. It was also felt that the kind of technical excellence that is required for inspecting the fifth generation boilers was just not available. So, we have introduced a possibility of third party inspection, which means that organizations and individuals qualified, in terms of technical experience, expertise and engineering capabilities, to give a certification of quality to boilers, could be done by people and organizations other than the State Government Inspectors.

You will also know that the State Government inspection gave rise to long delays, corruptions; and there were complaints of inappropriate certifications, etc. All of that is sought to be addressed by introducing new organizations and making other inspecting agencies in the private sector to come forward and render this extremely critical function.

The other main change that we have brought about – which is extremely important and I would like to draw your kind attention more specifically to it – is that we have enlarged the constitution of the Central Boilers Board. Earlier there were

only 15 members; now we have mandated that every State Government will be represented on the Central Boilers Board so that we have not only ensured the pre-eminent role of the State Governments through their representatives on the Boilers Board to be there, but we have also enlarged the functions of the Board to the point where every major decision will have to be taken by all the members of the Board, and no major decision can be taken unless the representatives of the State Governments also actively concur with those decisions.

So, the expressed apprehension that the State Governments' role has been diluted is totally untenable; we have not only retained the role of the State Government inspection, but also we have given a voice, for the first time, on the Central Boilers Board, to all the State Governments, acting through their representatives. [MSOffice30]

Sir, there was another apprehension that has been expressed repeatedly, which is that the office of the Technical Advisor, which has been introduced through the amendment, should not become a law unto itself meaning thereby that the Technical Advisor being one individual should not have so much of power that it lends itself to an arbitrary use.

I would hasten, Sir, to immediately dispel this misconception. In response to the recommendations of the Standing Committee of Parliament, we have deleted and omitted section 4(c) of 1994 amendment Bill and instead we have stated that the Technical Advisor will perform only such functions as are delegated to him by the full Board and all that he does at all times will be amenable to the supervisory jurisdiction of the entire Board meaning thereby that we have democratised the decision making process and have eliminated all scope of arbitrary decision either by the Technical Advisor or by any individual whatsoever.

The last point that I would like to emphasise, Sir, is we have also introduced flexibility in the periodicity of the inspections. In the original Act of 1923 there was a provision that at least once in twelve months boilers of a particular capacity must be inspected. With the advance in technology, the new boilers being manufactured, India itself is manufacturing boilers of the capacity of 800 MW so, it is considered necessary that it is not any longer necessary to mandatorily have an inspection every twelve months. As the hon. Deputy Speaker would know, Sir, each time we inspect a boiler we have to close down the factory. So, there is immense loss of production, immense expenditure to the owner of the boiler and all the commercial industrial establishments. Therefore, keeping in view what advance technology of boilers makes possible, we have said that inspection will be carried out at such intervals that may be considered necessary. We have only rationalised it. We have not done away with inspections. We have only introduced flexibility in the periodicity of the inspections.

We have also now, for the first time introduced the necessity of inspection not only in use but also at the stage of manufacture and at the stage of fabrication in order to eliminate any possible manufacturing defects or any possible defects at the time of fabrication. Meaning thereby that we have brought in caution not only in the stage of user but also at the stage of fabrication and manufacture and thereby we have ensured that the possibility of explosions of accidents is minimised. These, Sir, are broadly the substantive amendments that we have introduced.

I must also, in conclusion, add that it has taken us 35 years to finally get to the stage when we hope to have the support of this august House in getting approved this very critical piece of legislation. The first technical committee to consider the amendments was nominated in 1972 and for the first time this amending Bill was presented to Rajya Sabha in 1994. So, 13 years have elapsed. Day before yesterday we were able to have the Rajya Sabha approve this Bill. Now, this Bill is before this House.

With these words, Sir, I commend this Bill to a purposive debate. I do hope at the end of the debate I will be able to persuade this august House to pass this legislation.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill further to amend the Indian Boilers Act, 1923, as passed by Rajya Sabha, be taken into consideration."

श्री हरिभाऊ राठौड़ (यवतमाल): उपाध्यक्ष महोदय, इंडियन बायलर अमेंडमेंट बिल 2007, ओरिजनली 1923 का विधेयक था। इसमें सुधार लाने के बारे में सोचा गया और 1972 में हाई पावर्ड कमेटी बनायी गई। उसकी रिपोर्ट 1974 में आई। उसके बाद यह बिल इंट्रोडयूस करने में 30 साल लग गए। जहां सुधार लाना था, उसे इंट्रोडयूस करने में 30 साल बीत गए। [a31] इसके बाद पॉर्लियामेंटरी कमेटी, विभिन्न राज्य सरकारों से 1974 से 1984 के बीच में व्यूज लिए गए और 1994 में यह बिल इंट्रोडयूज हुआ। मैं माननीय मंत्री जी से दो-चार क्लेरिफिकेशन्स चाहता हूं, वे चाहें तो वहां पूवार कर सकते हैं। जब राज्य सरकार से व्यू लिया गया, मुझे लगता है कि 1974 से 1984 के बीच में 14-15 साल बीत गए। दुनिया भर में बॉयलर में इतने चेंजिस आ गए हैं, इतने बड़ी टैक्नोसिटी के बॉयलर आ गए और आज

1000 मेगावाट के भी बॉयलर मैन्यूफैक्चरिंग यूनिट में लग रहे हैं। विदेशों में बहुत मॉडर्नाइजेशन हो गया है, नए बॉयलर आ गए हैं और इस बीच में हमारी बहुत सी सरकारें भी बदल गई हैं। मुझे लगता है कि जितना समय बीत गया है, आप दो-चार महीने और ले लीजिए, सारी राज्य सरकारों से व्यूज ले लीजिए, सिर्फ दो-चार महीने की बात है। इसमें जो दो-तीन प्रावधान किए हैं और इस पर बहुत चर्चा हो रही है। इसमें आपने थर्ड पार्टी इन्सपेक्शन का प्रावधान रखा है, यह अच्छा है लेकिन इसे प्राइवेट एजेंसी को देने वाले हैं इस पर डाउट क्वेश्चन हो रहा है। क्यों न इसे हमारी संस्था, जो इसकी मांग करे, जो थर्ड पार्टी इन्सपेक्शन कर सके, उसको दें, आप इस संबंध में सोच कर उत्तर दीजिए। जब हम डिसेंट्रलाइजेशन की बात करते हैं, राज्य सरकार को यह पावर होनी चाहिए क्योंकि यह विषय कन्करंट लिस्ट में है, आप पावर सेंट्रलाइज करें, इस विषय में आप क्या चाहते हैं, ये भी क्लियर कीजिए। इस बिल में भारतीय शब्द निकाला गया है लेकिन हम फॉरेन से डील करेंगे तो क्या ये सारी बातें एक्ट के लिए जरूरी हैं? इसे भी क्लियर कीजिए।

SHRI NAVEEN JINDAL (KURUKSHETRA): Sir, can I speak from this seat?

संसदीय कार्य मंत्री तथा सूचना और प्रसारण मंत्री (श्री प्रियरंजन दासमुंशी): इन्हें आज के लिए अलाऊ कर दीजिए।

श्री सैयद शाहनवाज़ हुसैन (भागलपुर): इनको प्रमोट किया जाए।

श्री प्रियरंजन दासमुंशी: शाहनवाज जी, आप तो हमारे साथ आ गए हैं।

उपाध्यक्ष महोदय : इसलिए आगे आकर बैठ गए हैं।

श्री नवीन जिन्दल (कुरूक्षेत्र): आपने मुझे इंडियन बॉयलर (अमेंडमेंट) बिल, 2007, जो अश्विनी कुमार जी ने पेश किया है, उस पर बोलने का मौका दिया है, इसके लिए मैं आपको धन्यवाद देता हूं और इसके साथ ही मैं इसका समर्थन करता हूं। मैं अश्विनी कुमार जी को बहुत मुबारकबाद भी देता हूं कि दस साल से ज्यादा यह बिल राज्य सभा में पेंडिंग था और इसके पास होने से देश को दस हजार करोड़ रुपए से ज्यादा का फायदा होगा।[r32] वह इसलिए होगा, क्योंकि आज जितनी भी इंडस्ट्रीज बॉयलर चलाती हैं, लेकिन जो कम्पिटैन्ट अथॉरिटी आज की तारीख में होते हैं, वे सिर्फ बॉयलर इंस्पैक्टर्स होते हैं, जो स्टेट गवर्नमैन्ट से होते हैं। हम जो अपने देश में इंस्पैक्टर राज की बात करते हैं, सही मायनों में इंस्पैक्टर राज अगर कहीं हैं तो वह बॉयलर इंस्पैक्टर्स में था। जब किसी के हाथों में पूरे तरीके से पावर का केन्द्रीकरण होता है तो उसमें भ्रष्टाचार भी होता है और डिले भी होता है जिसके कारण बहुत नुकसान होता था। हमारा पहले का बॉयलर बिल 1923 का बना हुआ था, जिसे 75 साल से ज्यादा हो गये हैं। इन सालों में बहुत से टैक्नोलोजिकल इंप्रूवमैन्ट्स हुए हैं। आज से 75 साल पहले वैल्डिंग नहीं होती थी, स्टील के अंदर रिविटिंग की जाती थी और अब टैक्नोलोजी बहुत इंप्रूव हो गई है। पहले रूल्स थे कि हर साल के बाद बॉयलर को रोका जायेगा, फिर उसकी दोबारा वैकिंग की जायेगी। लेकिन आजकल विदेशों में जो मॉडर्न बॉयलर्स हैं, उनमें ऐसा करने की आवश्यकता नहीं होती। जबकि हमारे यहां अननैसेसेरिली बॉयलर्स को रोका जाता था और उन्हें रोककर इंस्पैक्शन की जाती थी। इंस्पैक्शन के बाद इन्हें तब तक चालू नहीं किया जा सकता था, जब तक बॉयलर इंस्पैक्टर्स आकर चैक नहीं करते और बॉयलर इंस्पैक्टर्स की कमी के कारण बहुत परेशानी होती थी। बॉयलर इंस्पैक्टर्स की पूरे देश मे इतनी कमी थी कि जब उन्हें आना चाहिए, कई बार वे हफ्ते-दस दिन के बाद आते थे और उनके बिना इन्हें चालू नहीं किया जा सकता था। लेकिन अब इसके बाद सैन्ट्रल बॉयलर बोर्ड को यह पावर दी जायेगी। जैसा कि अभी एक माननीय सदस्य ने कहा कि थर्ड पार्टी इंस्पैक्शन भी अलाऊ किया जायेगा। इसके अलावा जो सैन्ट्रल बॉयलर बोर्ड है, उसमें तीस मैम्बर्स होते थे, उसमें हर स्टेट से एक-एक चीफ बॉयलर इंस्पैक्टर मैम्बर के रूप में आता था और बाहर से सिर्फ 15 मैम्बर्स होते थे जिसके कारण से उसमें कोई चीज पास नहीं हो पाती थी और इसमें वे अपनी मोनोपोली बनाये रखना चाहते थे। लेकिन अब जो सैन्ट्रल बॉयलर बोर्ड है, उसमें 30 मैम्बर्स होंगे, जिसमें हर स्टेट से एक-एक चीफ बॉयलर इंस्पैक्टर होगा और 30 मैंम्बर बाहर से आयेंगे, जिसके कारण इसमें बहुत से चेंजिज ला पायेंगे ताकि थर्ड पार्टी इंस्पैक्शन जैसे बाकी देशों में अलाऊ होता है, वह थर्ड पार्टी इंस्पैक्शन हो सके। यह इंस्पैक्शन मैन्युफैक्चरिंग के समय और आपरेशन के समय होगा जिससे बैटर क्वालिटी के बॉयलर बन सके, जिनका ऑपरेशन भी सेफ होगा।

उपाध्यक्ष महोदय, हमारे देश में बिजली की बहुत कमी है। इसलिए हमारे यहां बहुत आवश्यक है कि हम बिजली का उत्पादन बढ़ाये और बिजली का उत्पादन बढ़ाने के लिए यह लाजिमी है कि बॉयलर्स भी बढ़ेंगे, पावर जनरेशन इक्युपमैन्ट्स भी बढ़ेंगे और उसके अंदर कम्पीटैन्ट अथॉरिटीज कई होंगी तो बाहर से भी नई टैक्नोलोजी आयेगी कि अच्छे बॉयलर्स कैसे बन सकें। इसके अतिरिक्त इसमें बॉयलर्स इंस्पैक्टर्स का जो एकाधिकार था, जब बॉयलर बोर्ड का पुनर्गठन होगा, उसके अंदर नई-नई चीजें, जो मॉडर्न कांसैप्ट्स हैं, जो नई तकनीकें बॉयलर इंस्पैक्शन के लिए आई हैं, उन्हें इन्ट्रोडयूस किया जायेगा, जिससे कि इसमें कोई बिलम्व न हो और हमारे देश मे विलम्ब के कारण हर साल जो कम से कम दस हजार करोड़ यूनिट्स का नुकसान होता था, वह खत्म होगा और ज्यादा बॉयलर्स बन सकेंगे और अच्छी क्वालिटी के बॉयलर्स बन सकेंगे।

उपाध्यक्ष महोदय, मैं एक बार फिर से इस बिल का पुरजोर समर्थन करता हूं और मैं समझता हूं कि जिन्होंने इस बिल जो रुकवा रखा था, इसमें उन लोगों का एक बड़ा फायदा था। वे चाहते नहीं थे कि यह बॉयलर बिल पास हो। लेकिन मैं सरकार को और माननीय मंत्री, श्री अश्विनी कुमार को मुबारकवाद दूंगा कि वह हिम्मत करके यह बिल लाये। इससे देश का एक बहुत बड़ा फायदा होगा। इसी के साथ मैं अपनी बात समाप्त करता हूं।

14.42 hrs.

SHRIMATI C.S. SUJATHA (MAVELIKARA): Sir, I think the amendment proposed by the Indian Boilers Bill is not consistent with the basic objectives of the parent Act. We would have welcomed the changes in the Act if the changes were good, in the interests of the industry and to provide better safety.

In this case, the Bill seeks certain structural changes in the system of inspecting boilers being manufactured and deployed in various segments of the industry. It also refers to the role of the States and the Centre. A new component of the amendment is that it introduces third party inspection and inspection by competent person. In my opinion, this would create conditions under which the safety of workers and the industrial establishment would be endangered. In short, this Bill provides for private inspections which I think is an element which is objectionable.

Sir, this Bill provides for the creation of a Central Boilers Board with a Technical Advisor appointed by the Central Government. This presumes that the powers of the State Boilers Inspectors and their authority would largely get transferred to the Central Boilers Board.

The concentration of authority presently vested with the State Governments for ensuring safety by conducting inspections at the State level is now virtually transferred to the newly created Central Boilers Board. This is an idea with which we cannot agree.

From the safety angle, the inspections conducted by the State at the Plan level would have been much more effective and a better guarantee for safety. Powers taken from the States to the Centre will have negative consequences in terms of effective inspection and guarantee of safety to workers and factories. These are some of the general objections which I would like to make about the proposed amendment Bill.

श्री मोहन सिंह (देवरिया) : उपाध्यक्ष महोदय, माननीय मंत्री जी ने भारतीय बॉयलर (संशोधन) विधेयक प्रस्तुत किया है, मैं उसका समर्थन करने के लिये खड़ा हुआ हूं। जब 10वीं लोक सभा में स्टैंडिंग कमेटीज़ का गठन किया गया था, मैं उस समय उद्योग विभाग से संबंधित स्थायी समिति का सदस्य था। सभी पक्षों की राय लेने के बाद दो साल में यह विधेयक तैयार किया गया। जिस विधेयक को तुंत पास किये जाने की सब से ज्यादा जरूरत थी, उसे पास करने में संसद को इतना ज्यादा समय लग गया,यह दुखद बात है।

उपाध्यक्ष जी, मैं 1977 में उत्तर प्रदेश में उद्योग मंत्री था। उस जमाने में, इतने बड़े राज्य में, जिसका हिस्सा उत्तराखंड भी हुआ करता था, केवल एक इंस्पैक्टर होता था। बॉयलर फटने की बहुत सी घटनायें होती थी। उस इंस्पैक्टर के पास मजदूरों की कई शिकायतें आती थीं लेकिन उद्योगपतियों द्वारा कुछ रकम दिये जाने पर 2-3 महीनों तक उस फैक्टरी की इंस्पैक्शन नहीं होती थी और वह बंद रहती थी। मैं अपने निजी अनुभव की बात कहना चाहता हूं कि जब किसी कारखाने में बॉयलर फटता तो कहीं 10-12, कहीं 3-4 लोग मर जाते। यहां तक कि हमारे लोक सभा क्षेत्र में कागज बनाने का एक छोटा कारखाना है। उसका बहुत छोटा सा यूनिट है। किन्हीं परिस्थियों में उसका बॉयलर फट गया और दो मजदूर मौके पर ही मर गये। उस कारखाने के मालिक का सुयोग्य इंजीनियर लड़का भी मौके पर मर गया और 7 लोग बुरी तरह ज़ख्मी हुये। यह कितनी गम्भीर समस्या थी जिसका समाधान ढूंढने के लिये सरकार की तरफ से काफी प्रयास चल रहा था। जैसा मंत्री जी ने कहा है, यह अपने आप में स्वयंसिद्ध है कि इसके पीछे निहित स्वार्थ बहुत तेज़ी से काम कर रहा था। जो इंस्पैक्टर बॉयलर के लिये हुआ करता था, मुश्किल से जूनियर इंजीनियर के पद का होता था। किसी पौलिटैक्नीक से मैकेनिकल इंजीनियर का डिप्लोमा ले लिया और उद्योग मंत्री ने उसकी नियुक्ति कर दी। इस प्रकार इतने बड़े प्रदेश का कार्यभार एक इंस्पैक्टर के जिम्मे हो गया और उसे किसी जिले की इंस्पैक्शन करने की फुरसत ही नहीं थी। जिले के लोग आते थे, कहते थे कि उनका बॉयलर गड़बड़ रहता है, उसे देख लें। वह इंस्पैक्शन करके घर चला गया और वही बॉयलर महीने के बाद फट पड़ता था और काफी लोग मर जाते थे। यह एक मानवीय पक्ष था जिसे सरकार ने सुना और समझा है। इसलिये सरकार ने इस विधेयक को लाने में तेज़ी दिखाई। मैं इस विधेयक का पुरजोर समर्थन करता हूं।

उपाध्यक्ष जी, हमारे दो साथियों ने इस पर शंकायें प्रकट की हैं। एक शंका यह प्रकट की है कि तीसरी पार्टी के इंस्पैक्शन करने के पक्ष में नही है क्योंकि आजकल जो सरकारी अमले का दोष है,उससे पूरा समाज परिचित है, अगर उस दोष को मिटाने में तीसरी पार्टी का इंस्पैक्शन होता है। इस पर आपत्ति प्रकट की गई है। एक सैंट्रल बोर्ड बन गया। यह कोई नया बोर्ड नहीं बन रहा है, इस का दायरा बढ़ रहा है। उस बोर्ड का विस्तार कर दिया गया है जिसमें 30 सदस्य होंगे। लगभग सभी राज्यों के प्रतिनिधियों का इसमें समावेश हो जायेगा। इस सवाल पर हमारी एक बहिन और हमारे एक भाई ने दोनों तरह से आपत्ति प्रकट की है।

उपाध्यक्ष जी, मैं इस विधेयक का पुरजोर समर्थन करते हुये कहूंगा कि यह कोई गम्भीर बात नहीं है, एक मानवीय पक्ष है, इसलिये हमारे साथियों को मतभेद भुलाकर इस विधेयक का समर्थन करना चाहिये।

श्री गणेश प्रसाद सिंह (जहानाबाद) : उपाध्यक्ष जी, माननीय मंत्री जी ने भारतीय बॉयलर विधेयक, 2007 प्रस्तुत किया है, मैं इसके संबंध में बोलने के लिये खड़ा हुआ हूं।

जैसा कि अन्य माननीय सदस्यों ने सदन के माध्यम से अपने विचार व्यक्त किये हैं, उससे स्पष्ट होता है कि यह पुराना बिल 1923 में बना था । [s33] उससे स्पष्ट होता है कि यह पुराना बिल 1923 में बना था और फिर इसके लिए 1937 में एक केन्द्रीय बॉइलर बोर्ड का गठन भी किया गया था। बीच बीच में इसमें सुधार और संशोधन की बातें आई। उच्च शक्ति प्राप्त समितियों को भी मामले सौंपे गए और उद्योग विभाग से संबंधित स्थायी समिति में भी इस मामले को समीक्षा के लिए भेजा

गया। समिति ने अपनी अनुशंसाएं भेजीं, परंतु यह विधेयक आज तक इस सदन के माध्यम से पारित नहीं कराया गया। यह बड़ा ही खेदजनक विषय है। खेदजनक विषय इसलिए है कि यह प्रश्न लाखों लाख श्रमिकों के जीवन से जुड़ा हुआ है। जैसा कि वरिष्ठ सदस्य माननीय मोहन सिंह जी ने बताया, इनके उत्तर प्रदेश में एक इंजीनियर की मृत्यु हो गई और कुछ अन्य घायल हो गए। सिर्फ उत्तर प्रदेश की यह घटना नहीं है, पूरे भारतवर्ष में आज जो प्रौद्योगिक विकास हो रहा है उसमें छोटे से छोटे और 500 मैंगावाट तक बाइलर कल-कारखानों में लग रहे हैं। इसका परिणाम क्या होता है कि एक सर्वे रिपोर्ट भी सरकार के पास आई होगी। उसमें बताया गया है कि पिछले 30 वर्षों में कम से कम 30 हज़ार श्रमिकों की मौत हुई है और 50 हज़ार से अधिक श्रमिक घायल हुए हैं। इसका उदाहरण भोपाल गैस कांड है जिसमें सैकड़ों की संख्या में लोग मारे गए और हज़ारों लोग घायल हुए। आज इस बिल की नितांत आवश्यकता थी। आज ही नहीं, बल्कि पहले भी थी। 1923 में जो अधिनियम बना था, उसमें उस समय इतनी भारी मात्रा में और इतने भिन्न-भिन्न तरह के रसायनों का प्रयोग नहीं हो पाता था, लेकिन आज उनका प्रयोग हो रहा है। आये दिन शिकायतें मिलती हैं कि इनसे जो गैस रिसाव होता है, उससे लोगों की तबीयत खराब होती है, बुखार आने लगता है, शरीर में जलन होती है और धीरे धीरे उनकी मृत्यु हो जाती है। बहुत सारी गैस ऐसी हैं कि उसका प्रभाव तुंत नहीं दिखता लेकिन आज या कल चलकर वह अपना प्रभाव दिखाती हैं जिससे श्रमिकों का जीवन खतरे में पड़ जाता है। माननीय मंत्री जी धन्यवाद के पात्र हैं जिन्होंने पुराने बिल में संशोधन करके मुख्यतः दो-तीन बातें प्रस्तुत की हैं। वे स्वीकार करने योग्य हैं। माननीय मोहन सिंह जी ने ठीक कहा कि प्रदेशों में वास्तव में मैनपावर की कमी है। कहीं कहीं एक या कहीं कहीं दो बाइलर ऑफिसर या इंस्पैक्टर नियुक्त रहते हैं। उनके पूरे क्षेत्र में जहां कल-कारखाने हैं, उनमें निरीक्षण करने में भारी कठिनाई होती है। इसमें पारदर्शिता लाने के लिए स्वतंत्र एजेन्सी या थर्ड पार्टी की आवश्यकता है।

मैं इस बिल का पुरज़ोर समर्थन करते हुए अपनी बात समाप्त करता हूँ क्योंकि इसके प्रावधान श्रमिकों के हित में हैं और राष्ट्र के हित में हैं।

SHRI B. MAHTAB (CUTTACK): Mr. Deputy-Speaker, Sir, thank you very much for giving me this opportunity.

I stand here to discuss the Bill that is before us which has already been passed by the Rajya Sabha.

There are certain issues relating to this which needs a little bit of clarification from the hon. Minister. The general perception which has been there and it has also been created in this House that this is a very old Act since 1923 and on the mechanism that is in place since 1935 Act, after that not much has been done.[a34] An attempt was made in 1994. A Bill was placed and it was referred to the Standing Committee. The Standing Committee had given its Report in March, 1995. But, after that, nothing has happened. But while going through the information that I have collected from the Parliament Library and other sources, amendments have been carried out to this Act till 2003. So, why do we say that nothing has been done? It is a redundant Act. It needs a lot of changes, no doubt. But this mechanism itself is of Eighteenth Century. The steam boilers are of very ancient origin. The introduction that was done by the famous James Watt has improved the steam engine from 1769 to 1775. So, it is an Eighteenth Century mechanism which has been evolving in different processes with modern technology. Now, we are in a stage where we can have 500 MW boilers. The best part of it is that a lot of industrial houses are coming up which are prepared to manufacture boilers and export them. They are of world-class quality. For that reason, I think, this amendment should be welcomed and a lot of amendments are necessary keeping in view the changes in technology that has come into place.

Now, I would like to dwell a little bit on history behind the preparation of this Act. It started with an accident in Calcutta. That occurred in 1863. A serious accident, a boiler explosion, occurred in Calcutta which caused loss of several lives. As a result of that explosion, the necessity of inspection of boilers was widely recognised and a Bill was introduced in the Bengal Provincial Assembly. So, as the Bombay Presidency, the Madras Presidency also wanted to have this technology and wanted to produce boilers, Provincial Acts were made. They had very little semblance with each other. So, a time came up in the first part of the Twentieth Century when different Provinces competed with each other to get this type of industry in their Provinces because it was giving them revenue, it was giving them jobs. So, that was the reason why the Central Act was required. In 1923, a semblance of Central Acts came into force. Before that, seven different Acts with seven different sets of rules and regulations were in force.

The Boilers Law Committee which was first appointed in 1920-21 was the first to review the Boilers Law on a national scale. What was their finding? Their finding was this. They pointed out the inspection of boilers has a 'personal element' in it. I need not explain what does that mean. The hon. Minister will understand the personal element. That was in the year 1920-21, as the report said. Because it has a personal element in it, that should be corrected. Even today, when the hon. Member from Kurukshetra Shri Naveen Jindal says we are still fighting against the inspector raj, I think that personal element has to be corrected to a certain extent in this new Bill. That has to be looked into.

The Standing Committee also had worked on that. There is a Provincial jealousy. As I had explained earlier, Provincial jealousy was prevalent. That is why we needed a Central Act.

15.00 hrs.

But along with that, too much of centralisation of power is also a demerit in implementing the law. It was in 1935 that this subject of boilers came into the Concurrent List. That is how Central Boilers Board came into existence in 1935. I understand amendments have been made up to 31st December, 2003. I fully agree to the view that significant technological

developments have taken place

worldwide and the boilers with a large capacity, up to 500 megawatt, are now being manufactured within the country according to the latest international standards. Many of the provisions of the present Act have become out-dated. Some have been removed according to the new Bill that is before us for discussion. A high-powered committee was constituted in 1972, as was stated by the Minister. I need not go into the details as to how the Standing Committee had given its Report. But, the best part of it is that this House would be interested to know, as the hon. Member, Mr. Mohan Singh, has said, the Committee had asked the Ministry to give certain Reports within three months. That did not come. It is all reflected in the Standing Committee's Report. This subject is under Ministry of Commerce and Industry.

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI B. MAHTAB : I will now come to the Bill. So many years have passed since the technological recommendations were made in 1972. The Standing Committee worked on it in 1994 and 1995. A lot of changes have taken place in between and after that Committee Report has come . I think in another few years, more changes will be required. Safety regulations have to be ensured to a great extent.

Now, I would come to clause 3 which defines accident. I thank the Government for having given some thought to it. In the original Bill, the definition that was given was a little faulty. But, with this amendment, the definition which has been accepted by the Government is praiseworthy.

MR. DEPUTY-SPEAKER: Please conclude now. I have a large number of speakers who want to speak.

SHRI B. MAHTAB : It will help guide both the aspects. Providing support to the affected after occurring of an accident is good. But, inspections before an accident occurs and the position of the boiler also is there. But, another aspect that, I think, is necessary. When the person who is the owner of the boiler is prosecuted if an accident takes place? He is prosecuted if the boiler is not in a good condition. But, when some inspection takes place or an accident takes place, the responsibility should not be only on the owner of that boiler. The inspector also should be prosecuted. In that respect, I did not see anything in the Bill. I think the Minister can clarify that. The person who is inspecting and giving a certificate and after that, within a certain period of time, an accident takes place and there is casualty, that inspector should also be held responsible. Accordingly certain provisions also are necessary for having this.

MR. DEPUTY-SPEAKER: Thank you.

SHRI B. MAHTAB : There are two or three points more, Sir.

MR. DEPUTY-SPEAKER: No. Before 3.30 pm, I want to pass this Bill.[MSOffice35]

SHRI B. MAHTAB : Two hours were allotted for this Bill in the Business Advisory Committee.

MR. DEPUTY-SPEAKER: You have taken more than 10 minutes.

SHRI B. MAHTAB : That is why I am sitting down. But starting the discussion on the Bill at quarter past 2.00 p.m. and passing it before 3.30 p.m. is unfair.

MR. DEPUTY-SPEAKER: Your party's time is also over.

SHRI B. MAHTAB : I accept that. I am not going to speak on this Bill now.

15.06 hrs.

15.07 hrs.

SHRI SURAVARAM SUDHAKAR REDDY (NALGONDA): Mr. Deputy-Speaker, Sir, a Bill of such importance should get enough time for discussion in the House. I think there is enough number of days. I do not know why the Government is in a hurry to pass the Bills. However, I feel that the Boilers Act is a very important Act and I do understand that this Act is 84 years old. Though some amendments were brought earlier, it is necessary to bring some amendments now according to the changing times. Though there are some good amendments in this Bill, I do not agree with the very intention of bringing this Bill. Earlier, the penalty was from Rs. 100 to Rs. 1,000 and now it has been enhanced. It now ranges between Rs. 1,000 and Rs. One lakh. It is necessary because the earlier amount of penalty was fixed long time back when the rupee was having a higher value. Then, some changes in technical terminologies have been brought. Instead of steam pipes, some boiler parts have been mentioned and that is necessary. I think one very good aspect of this Bill is the energy audit which is made compulsory every year. This will not only help the industry but also the nation as a whole. But taking away the power from the States, I think, is not a good idea.

There were criticism regarding the Inspector Raj and due to scarcity of Inspectors there used to be delays. This point was also mentioned by Shri Naveen Jindal and some other hon. Members. I would like to submit that only because delays occur, you cannot remove the Inspectors from that responsibility. It is a problem but a solution should be found to this problem by appointing more Inspectors.

Then, there should be a grievance redressal mechanism because inspection of boilers is a very important aspect. Earlier, an hon. Member was mentioning that in the accidents that have taken place more than 30,000 people have been killed in our country in the last few decades. It is a very big number. I do understand that with the change of times, better mechanism is coming, but that does not mean that whatever is coming from foreign countries is excellent. There are private inspectors and there are some boilers working in our country which are outdated. It is going to be a very dangerous thing.[R36]

[r37]They have no accountability and I think, this Act and these types of changes are being brought in the background of globalisation to facilitate more for industrialists than in the interest of the nation. What accountability a third party, a private inspector will have than the Government inspectors who are supposed to be accountable to the country and to the Government? I think, this is a very dangerous thing.

Sir, in our country, for the last several years we are discussing about more democratisation and decentralisation of power. Instead of decentralisation, the federal character is getting changed and more and more powers are being concentrated in the hands of the Centre. I think, this Act is one such example. I think, this is not a very good proposal that the Centre can have the provisions as an Appellate and at the same time they can interfere, but they should not take away the powers of the State.

With these words, I conclude.

SHRI K.S. RAO (ELURU): Sir, I am happy that the hon. Minister has brought the amendment, particularly, keeping in view the industrialization, which is going on in a big way. Of course, in 1993, when the Act was made, there was no manufacturing of the boilers in a big way in our country so there was no need of it except to manage. But, today we have come to a stage where we can export boilers made here. So, naturally, the quality has to be of the international standards for which this Bill is definitely required.

The earlier experience shows that when it is left to the management of the State Governments and the inspectors, certain problems observed are poor quality, poor supervision, not maintaining the standards, etc. Some of the things, as my other colleagues have mentioned, were that the boilers manufactured in one State were not registered in others by virtue of the prejudice or other reasons, thereby there were inter-State misunderstandings and disputes erupted. Then, inadequate machinery, lack of technical manpower, corruption or negligence, favouritism, and all those things also have come in to maintain fixed standards. As I said, changing technology, awareness of the people, litigation, rights of compensation and all those things have become more and hence the need for bringing this is much more.

In this context, the Bill presently provides that it has not taken away the powers of the State Government and State authority, it added to it the Central authority and its expertise. In the Board that is now constituted by the Centre, all the State Governments' representatives, particularly, the technologically skilled persons are involved. Apart from that the third party inspection is involved where favouritism cannot be there and then the rights of the owner or the user also are protected by which the quality also is assured. So, the independent inspection agency is certainly an addition to the earlier provisions in the country.

Then, there is uniformity in the standards. Various standards are observed in various States. But, now, a uniform standard is being maintained by bringing this into under the control of Central Board. Then, periodic inspections are provided, earlier they were once in a year. Now, the inspections takes place when it reaches the final stage, when it is being manufactured, when it is designed, when in transit, in erection and in its functioning or even later, repairs also.

When it comes to the question of repairs, some local man may be repairing it or not a skilled man may be doing it. Then the effect will be very bad and the repercussions will be very bad. Now, those things are included in this, repair, even if a structural change is to be made, it must be approved by the concerned authority and the repairs have to be made. What are the kinds of components, what is the quality of the components, and all these things have to be approved.

Apart from all these things, it is simplified and it is more user friendly and that way it helps also. The quality of the inspection is going to be increased.[r38]

The renewal approval has to be given within 15 days. At the most, the inspecting authority may suggest some modification but they cannot delay it. Appeal provision is already there. Ultimately, the State Government has not forgone this provision. Where it comes to the question of urgency, or in the public interest, the State Government can give exemption from all the provisions. So, in every respect this Bill is required, particularly keeping in view the change in technology and development in global competition. I support this Bill.

SHRI K. FRANCIS GEORGE (IDUKKI): Mr. Deputy-Speaker, Sir, the Indian Boilers (Amendment) Bill, 2007, as the hon. Minister has said, is with the objective to rationalize the existing law and make it more benign to effect energy audit etc. These are all welcome steps.

The Indian Boilers Act 1923 is a Central Act. It was being implemented by the State Governments for the past eight decades. Of course, certain changes were necessary but certain points, as has been pointed out by my respected colleagues here, need to be clarified by the Government. Basically this subject was in the Concurrent List. During the present time, we are speaking about devolution of powers that more Central powers should be devolved to the States. At least, it should be allotted to the Concurrent List, now that the Centre is taking away the powers that is already in the Concurrent List.

Powers hitherto enjoyed by the State Governments will now be vested with the Central Boiler Board which is going to function as the final appellate authority. This is against the federal spirit. As has been pointed out earlier here, I would request the Government to think about it.

Secondly, there are State Factories and Boilers Departments. In some of the small States, these two are combined. Bigger States have a separate Factories Department and a separate Boilers Department. A State like Kerala has got about 2,000 to 3,000 boilers, whereas in West Bengal it numbers around 12,000 to 13,000 boilers. What is going to happen to those Departments, to personnel who man those Departments?

The job of inspection and certification is being entrusted to private agencies. It is said that a private agency has certified it – a private agency like M/s. Mittal – that the manufacturer is solely responsible for thorough inspection of the quality of the material. If that kind of a certification is going to be given by a private agency, then what is the use of entrusting that job to that agency? They do not take any responsibility. The basic aim of this enactment, this law is to ensure security at the workplace in our factories. What is going to happen to the small and the medium enterprises where we have low capacity boilers? How can they afford to entrust it to private agencies for inspection? So the competent persons, competent inspecting authorities are going to be private agencies and private consultant firms from now onwards. So, Government inspectors will be no more mandatory. The point is whether these private agencies will fully satisfy the security criteria, and whether there is going to be accountability on their part. Just now, one certification I had cited. If that kind of a certification is going to come from these kinds of agencies...(*Interruptions*)

MR. DEPUTY-SPEAKER: Can you give your written suggestion to the hon. Minister so that it will be considered?

SHRI K. FRANCIS GEORGE : Sir, I am going to conclude; I am not going to take much time.

When this amendment was proposed in 1994, almost all the States opposed it.[r39]

At the Secretary level meeting, there was a stiff opposition. I do not see any major change in the amendment proposed in 1994 and in 2007.

These points – taking away of the powers of the State from the Concurrent List to the Centre; privatization; and what is going to happen to the existing personnel the Factories and Boilers Department in the States – have to be taken care of.

With these words, I conclude.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Mr. Deputy-Speaker, Sir, I would like to make a request to you and to the hon. Members. This Bill has already been passed by the Rajya Sabha. One more speaker is there. The time is nearing half past three. Sir, if you allow ten or twelve more minutes for this Bill today, it can be passed. After that we shall take up the Private Members' Business.

MR. DEPUTY-SPEAKER: I hope, the House agrees with the hon. Minister.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: All right. Now, Shri T.K. Hamza.

SHRI T.K. HAMZA (MANJERI): Mr. Deputy-Speaker, Sir, I thank you for giving me an opportunity to speak on this Bill.

The original Act was enacted in 1923. When we make any change in such an important Act like this, we must be very cautious, according to me. Sir, we have not made any fundamental change so far in CrPC, IPC and Evidence Act. These are all with respect to human life and property.

This Act was enacted in 1923 to provide safety to the lives of the people and properties of the factories. Therefore, a fundamental change is very important. In 1972, an Expert Committee was appointed to make suggestions for improvement. That Committee submitted its Report in 1974. That Report had been circulated to all the States and the States objected to that Report. Why? Now, the law and order is maintained by the State, CrPC is conducted by the State, and IPC is maintained by the State. Likewise, this Act also must be maintained by the State, according to me. Sir, this trend is not good because all the powers vested with the States are gradually taken away by the Centre. Take the excise duty power, which has been taken. There are many examples.

Our aim is to decentralization of powers to the State and from the State to the Panchayats. Now, we are taking all the powers from the States. Here, what is the purpose of this Bill? It says:

> "â€¦ to set up a service oriented Central Government organization for inspection of boilers under manufacture and in use instead of State Governments â€¦."

At the time of manufacture, the boiler can be inspected by the representatives of the Central Government, and I have no objection to that. How can the Central Government control and inspect all the factories at the time of use of the boiler? There are a number of factories in various States. It is numberless. Can these factories be controlled and inspected by the Government of India? It is impossible. At the manufacturing stage, the Central Government can control and inspect the factories and I have no objection to that. But at the time of the use of the boiler, it cannot be done.

I understand the real position. It is stated in the Statement of Objects and Reasons that the Government wants to introduce liberalization policy. Liberalization policy is for the purpose of privatization. In principle, we cannot agree for that. Liberalization may be there but it is for privatization. It is stated here that private agencies are to be appointed to inspect the manufacture of boilers as well as the use of boilers. Then, everything goes to the private agencies. They can do according to their whims and fancies. Therefore, we must be very cautious and very careful when amending fundamentally an Act like this.

My humble opinion is that the powers vested with the States need not be taken away. Law and order is vested with the State and safety of the people is with the State. Of course, the Central Government can help the States technologically but this kind of taking over of power of the State is not good.

With these words, I conclude my speech.

MR. DEPUTY-SPEAKER: Now, Shri Shailendra Kumar. Please give your suggestions in two or three minutes.

श्री शैलेन्द्र कुमार (चायल) : उपाध्यक्ष महोदय, आपने मुझे भारतीय बायलर (संशोधन) विधेयक, 2007 पर बोलने का अवसर प्रदान किया, उसके लिए मैं आपका आभारी हूं। इस विधेयक पर इसलिए भी ज्यादा समय देना चाहिए, क्योंकि यह राज्य सभा से पास होकर यहां आया है। यह संशोधन बिल 13 साल बाद आया है।

उपाध्यक्ष महोदय: इसीलिए तो आपको समय दिया है।

श्री शैलेन्द्र कुमार : जहां तक नई अर्थव्यवस्था, नई प्रौद्योगिकी की बात है और 11वीं पंचवर्षीय योजना शुरू होने जा रही है, उसमें यह संशोधन विधेयक एक मिल का पत्थर साबित होगा। ज्यादातर कल-कारखाने चाहे छोटे हों या बड़े हों, बायलर का उपयोग करते हैं। हमने टीवी में भी देखा है और समाचार पत्रों में भी पढ़ते रहते हैं कि अमुक फैक्टरी में बायलर फटने से इतने मजदूर हताहत हो गए। इस तरह की घटना आए दिन होती रहती है। हमारे माननीय सदस्य नवीन जिंदल जी इस बारे में ज्यादा जानते हैं, क्योंकि वह स्वयं उद्योग जगत से जुड़े हैं और उन्होंने इस पर व्यापक रूप से बताया भी है। जो इंडस्ट्रियल एरिया होता है, वह पर एक स्तर पर अधिकारी की नियुक्ति होनी चाहिए। आपने इंस्पेक्टर का उल्लेख किया है। मैं समझता हूं कि इंस्पेक्टर शब्द हटाकर अधिकारी या कोई अन्य तकनीकी शब्द रखा जाए। इंस्पेक्टर शब्द बड़ा अजीब लगता है। हमने उत्तर प्रदेश में इंस्पेक्टर राज खत्म करने का काम किया है।

जहां तक मजदूरों के हताहत होने की बात है, तो उनके परिवार के लिए बेहतर सुविधाओं की व्यवस्था की जानी चाहिए। जो लोग जख्मी हो जाते हैं या विकलांग होकर घरों में बैठे हुए हैं, उनकी तरफ मालिकों को ध्यान देना चाहिए।

जहां तक लाइसेंस देने की व्यवस्था है, तो जो लाइसेंसधारक हैं, उन्हें विशेषज्ञों से निरीक्षण कराकर ही लाइसेंस देना चाहिए। बहुत से उद्योग धंधे या संस्थाएं लगती हैं, उनमें एन.ओ.सी. दिया जाता है। देखा गया है कि कई लोग पैसा देकर वह एन.ओ.सी. प्राप्त कर लेते हैं। उससे दुर्घटना होने की सम्भावना बढ़ जाती है। इसमें जुर्माने की राशि को बढ़ाना चाहिए।

जहां तक आपने केन्द्रीय बायलर बोर्ड की व्यवस्था की है, मैं मंत्री जी से गुजारिश करना चाहूंगा कि इस तकनीकी बोर्ड में ज्यादातर सदस्य तकनीकी विशेषज्ञ होने चाहिए। वे लोग बेहतर सुझाव दे सकेंगे, जिससे दुर्घटनाओं से बचा जा सकेगा।

आपने इस विधेयक में जांच की व्यवस्था एक वर्ष रखी है। मेरे खयाल से इसे कम किया जाए, क्योंकि आज के समय में नई-नई तकनीक आ रही हैं। अभी तो यह होता है कि जब भी कोई इस सम्बन्ध में जांच होती है तो उसे पूरा होने में और रिपोर्ट आने में चार, पांच महीने या एक वर्ष तक लग जाता है। इस तरह से उत्पादन पर भी प्रभाव पड़ता है। इसलिए इस व्यवस्था को लचीला करने की जरूरत है।

इसके साथ ही मैं इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूं।

MR. DEPUTY-SPEAKER: Now, the hon. Minister to reply to the debate.

SHRI B. MAHTAB (CUTTACK): Sir, I have two small questions to ask, if you permit me.

One is regarding the appointment of private inspectors. Would the hon. Minister consider that these private inspectors should be confined to inspect those factories where boilers are to be made, which are of export quality, which would be exported so that you can differentiate between them; and the apprehension, which has been created can be looked into?

The second point is that from the reports, which I have gone through, I find that there are more than 25,000 non-IBR boilers, which are operating. About the number of accidents, which are taking place, people think that these are boilers. But license is given as non-IBR boilers. With regard to distinction of non-IBR boilers and actual boilers whether this distinction is to go or is it going to continue.

MR. DEPUTY-SPEAKER: Now, the hon. Minister.

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION, MINISTRY OF COMMERCE

AND INDUSTRY (SHRI ASHWANI KUMAR): Thank you, Mr. Deputy-Speaker Sir. I have listened most attentively to a very purposive debate in the House and I am deeply gratified by the generous support for the measurement that has been voiced cutting across party lines.

I need only to make two or three more points in the light of the observations of the learned Members of this House. The apprehension that there is somehow a creeping encroachment on the powers and jurisdiction of the State Governments, it is something that I would like to dispel with all the force at my command.[r40]

Sir, not only have we not diluted the jurisdiction of the State Governments, the amendments go to the extent of saying that the existing State inspectors will be *ipso facto* inspectors for the purposes of carrying out inspection. The element of third party inspection is only in addition to the existing arrangement and the existing jurisdiction that has been retained with the State inspectorates and the idea is to complement their effort, not to derogate from that effort.

The second point that I would like to make is that in deference to the recommendations of the Standing Committee of Parliament, the original proposal to take away the power to grant exemptions from the purview of the Act, which originally vested with the State Government, has since been shelved. The primacy of the State Government in exempting any particular class of boilers from inspection has been restored to the State Government in deference to the principle of federalism, in deference to the sensitivity of the hon. Members with respect to retaining the original jurisdiction of the State Government.

The last point with respect to allaying the fears as far as creeping encroachment on the jurisdiction of the State is concerned, is with respect to the implementation of the regulations that will be framed by the Central Boilers Board. Although the regulations would be framed by the Central Boilers Board, which in turn will have nominees of each State Government, the implementation of those regulations would be left to the State Governments concerned. What we have done additionally, for the first time, is that the decisions of the inspecting agencies will be amenable to appeal, will be subject to appeal in order to remove any possibility of arbitrariness and for redressal of grievances. That was a demand that has been raised.

Another point that has been made is with respect to private inspections endangering life and not being accountable. This is not the case at all. The private inspecting agencies would be as much accountable, if only more accountable, for carrying out their job in accordance with the regulations which would be statutory in nature because the regulations are going to be framed pursuant to Section 28 of the Act and, therefore, they partake of the nature of subordinate legislation. They would be enforceable with the same vigour as the Act and, therefore, the private inspectors who will have to satisfy the tests and the technical qualifications that would be statutory in nature, will have to conform to all the requisite parameters that will be spelt out in the regulations.

The reason why we have left it to be contained in the regulations is that law must always keep pace with changes in society, with changes in technology. It is easier for us to amend the regulations than to amend the whole Act. Therefore, we have endeavoured to dig the skeleton of the law in the Act and we are seeking to clothe the skeleton of the law through very detailed regulations and rules which will be applicable by the State Governments. They would be implemented by the State Governments.

I would, therefore, in conclusion say that there is absolutely no attempt whatsoever to transgress on the jurisdiction of the States. On the contrary the amendments defer to and respect the sensitivities of the State Governments.

The last point and I am done – one of the important features that has been introduced in this Act is to enlarge the composition and constitution of the Central Boilers Board. For the first time, each State Government as against 15 originally, is represented. In addition, experts amongst the professionals, the representative of the Labour Ministry of the Union of India, all the concerned organizations that have anything to do with the boilers or are competent to talk with respect to the boilers or to give suggestions will find representation and this Board would be headed by the Secretary of the administrative Ministry which is the Department of Industrial Policy and Promotion.

Therefore, we have made sure that this Boilers Board becomes a watchdog for the entire industry, not only in the interests of safety and security of all concerned but also to ensure that the law keeps pace with technological changes and with the expectations of the people.

With these few comments, Sir, I would commend the Bill for acceptance.

[k41]

14.39 hrs.

STATEMENTS BY MINISTERS – Contd.